

REMARKS

Summary of the Office Action

Claims 1-21 are pending in the application.

Claims 1, 4-9, 11, 12 and 14-18 have been rejected for obviousness-type double patenting over U.S. Patent No. 6,730,267 in view of U.S. Patent No. 6,503,450 and U.S. Patent No. 6,071,258.

Claims 3 and 20 have been indicated to be allowable if rewritten to overcome the Section 112, second paragraph rejections and to include the limitations of the base and any intervening claims.

Claims 2, 10, 13 and 19 have been objected to as depending from a rejected base case, but indicated to be allowable if rewritten in independent form including the limitations of the base and any intervening claims.

Applicants' Response

Applicants note with appreciation the indications of allowable subject matter.

As required at page 2 of the Office action, the specification has been amended to identify that the present application is a continuation of U.S. patent application Serial No. 09/780,923, filed February 9, 2001, now U.S. Patent No. 6,730,267.

Applicants have amended claim 15 as suggested by the Examiner to depend from claim 14, thereby obviating the objection to claim 15.

Applicants note that proper antecedent basis for the phrase "the housing" in line 8 of claim 1 is provided at line 6 of claim 1, which recites "the gas removal system comprising **a housing** having a gas collection plenum ...". Applicants

respectfully request that the Section 112, second paragraph, rejection of claim 1 be withdrawn.

Applicants have amended claims 3 and 20 to recite that "the sensor" claimed at line 15 of claim 1 (and line 16 of claim 12) "comprises a capacitive sensor". Support for this recitation is provided in paragraph 56 of the published application US 2004/0009097: "Sensor 37 preferably is of a capacitance type ...". Applicants respectfully submit that these amendments provide adequate antecedent basis for the claimed limitation, and thus obviate the Section 112, second paragraph rejections.

Applicants submit herewith a Terminal Disclaimer disclaiming the terminal part of any patent to issue that would extend beyond the expiration of commonly assigned U.S. Patent 6,730,267, which issued from the parent application.

Applicants have submitted herewith a Supplemental Information Disclosure Statement identifying the prior art made of record in the parent application and additional references that have come to the undersigned's attention.

An early and favorable action is earnestly requested.

Respectfully submitted,



Nicola A. Pisano
Reg. No. 34,408
Attorney for Applicants

LUCE, FORWARD,
HAMILTON & SCRIPPS, LLP
11988 El Camino Real, Ste 200
San Diego, California 92130
Tel.: (858) 720-6320
Fax : (858) 523-4326